THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.24952 of 2005

Dated 23-11-2005

Between:

S.Abdul Ghouse S/o.S.Abdul Gali Sab

…Petitioner

AND

The Secretary, Regional Transport Authority ,

Anantapur and another.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.24952 of 2005

ORDER:

The petitioner's vehicle bearing registration No.AP.04.T.3478 (Mahindra & Mahindra Motor Cab) was seized by the 2nd respondent on 16.11.2005 for certain irregularities and infractions pointed out in the vehicle Check Report No.462275. The seizure was effected under Section 207 of the Motor Vehicles Act, on the ground that the petitioner failed to produce necessary documents, in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for

Transport.

A perusal of the Vehicle Check Report, dated 16.11.2005, issued by the 2nd respondent, discloses that the petitioner failed to produce the permit, proof of tax, and driving license. Certain other lapses were also pointed out. The liability of the petitioner, in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the respondents, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that,

a. the vehicle bearing registration No.AP.04.T.3478 (Mahindra & Mahindra Motor Cab), shall be released to the petitioner on his depositing a sum of Rs.5,000/- (Rupees five thousand only).

b. The petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that he shall produce the vehicle as and when required.

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L. NARASIMHA REDDY, J.

Dt.23-11-2005

Note: Office to furnish C.C. tomorrow.

(B/O)

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